

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

J.O.P., <i>et al.</i> ,	:	
	:	
Appellees,	:	
	:	
v.	:	25-1519
	:	
U.S. Department of Homeland	:	
Security, <i>et al.</i>	:	
	:	
Appellants.	:	

**APPELLANTS’ MOTION TO SUSPEND BRIEFING**

Defendant-Appellants (“the Government”), pursuant to Local Rule 27(f), respectfully move the Court to suspend briefing to allow the Government time to seek an indicative ruling pursuant to Fed. R. Civ. P. 62.1 from the United States District Court of Maryland on a forthcoming motion for relief from the April 23, 2025, district court order (ECF 254).<sup>1</sup> In the coming weeks, the Government plans to seek an indicative ruling on relief from the district court’s order under Fed. R. Civ. P. 60(b) in full because, even though the order was unlawfully entered, the Government believes that it has

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<sup>1</sup> Because the district court’s order at ECF No. 254 is the subject of this appeal, the district court is divested of its control over that order and would lack authority to grant the government’s forthcoming motion. *City of Martinsville, Virginia v. Express Scripts, Inc.*, 128 F.4th 265, 269 (4th Cir. 2025) (an appeal “divests the district court of its control over those aspects of the case involved in the appeal.”) (citing *Coinbase, Inc. v. Bielski*, 599 U.S. 736, 740 (2023)).

nonetheless complied with the order, and that the injunction on appeal should therefore be dissolved. *See* Fed. R. Civ. P. 60(b)(5) (“On motion and just terms, the court may relieve a party . . . from a final judgment, order, or proceeding [when] the judgment has been satisfied, released, or discharged”). And if the injunction were dissolved, this case would become moot.

Given this anticipated motion, the Government seeks to suspend briefing pending an indicative ruling from the district court on this anticipated motion, which may affect the ultimate resolution of this appeal. The Government therefore respectfully submits that a suspension of briefing of the instant proceedings is justified because doing so would secure “the just, speedy, and inexpensive determination” of these proceedings. Fed. R. Civ. P. 1. If Appellants can obtain relief from the district court, this appeal may no longer be necessary, thus serving the interests of judicial economy and conserving party resources. *See, e.g., Jones v. McDaniel*, 717 F.3d 1062, 1069 (9th Cir. 2013) (dismissing appeal in reliance on district court’s indicative ruling).

Therefore, the Government respectfully requests that this motion be granted, and that the appeal brief be suspended pending an indicative ruling from the district court on the upcoming motion to dissolve. *See, e.g., La Union*

*Del Pueblo Entero v. Ross*, 771 Fed. App'x. 323 (4th Cir. 2019) (unpublished) (granting motion to remand certain issues “for further proceedings . . . so that the district court may address and resolve the matters identified in its Indicative Ruling”).

Accordingly, the briefing should be suspended pending the district court's disposition of the upcoming motion for relief. The Government will then promptly notify the circuit clerk of the district court's disposition pursuant to Rule 12.1(a). Undersigned counsel met and conferred with Plaintiffs' counsel regarding the Government's motion to hold this case in abeyance (Dkt. No. 38). Plaintiffs opposed that motion because they were not apprised of the basis for the Government's forthcoming motion for relief from the April 23, 2025 order, and because the Government did not explain when it would file any such motion. Because this motion seeks largely the same relief and the Government remains unable to provide Plaintiffs additional details, undersigned counsel did not meet and confer again.

Dated: June 30, 2025

Respectfully submitted,

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/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2025 I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

/s/ Erhan Bedestani

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